

REGULAR

NUMBER: 38.818

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE CITY'S ZONING SECTIONAL MAP, CHANGING THE LAND USE DESIGNATION OF 9.45 ACRES FROM INDUSTRIAL PARK (MP) TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (R-3 WITH A PLANNED UNIT DEVELOPMENT (PD14-0001) AT 1210 CALIFORNIA CIRCLE (APN 022-37-017)

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of November 18, 2014, upon motion by Councilmember Giordano and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, on August 18, 2014, an application was submitted by Erich Stiger, iStar Financial (“Applicant”), One Sansome Street, 30th Floor, San Francisco, CA 94104, for a development proposal to allow a General Plan and Zoning Amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle (“Project”). The property is located within Industrial Park (MP) Zoning District (APN: 022-37-017); and

WHEREAS, on September 10, 2014, the Applicant conducted a community outreach meeting to discuss the proposed project; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and prepared a Mitigated Negative Declaration for the project. The Mitigated Negative Declaration was circulated for public review between October 1, 2014, and October 21, 2014; and

WHEREAS, on October 22, 2014, the Planning Commission held a duly-noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and recommended the City Council deny the General Plan and zoning amendment to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3); and

NOW THEREFORE, the City Council of the City of Milpitas does ordain as follows:

Section 1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2. The City Council has reviewed, considered and exercised its independent judgment on the Project, for which an Initial Study/Mitigated Negative Declaration was prepared in accordance with the CEQA, and the City Council adopted Resolution No. __ approving and adopting the Mitigation Monitoring and Reporting Program prepared for the Project, all in accordance with CEQA. All applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program on file with the City of Milpitas Planning Department will apply to the Project and, where impacts cannot be reduced to a level of less than significant, statements of overriding considerations are set forth in Resolution No. _____. Resolution No. ____ is hereby adopted by reference as though fully set forth herein.

Section 3. **Zoning Amendment Findings – Milpitas Municipal Code Section XI-10-57.02(G)(3):**

- 1. The proposed amendment is consistent with the General Plan.*

Simultaneous with the introduction of this Ordinance at the City Council meeting on November 18, 2014, the City Council adopted a Resolution to amend the General Plan Map to change the land use designation from Industrial Park (MP) to Multifamily High Density (R3) for a 144 unit townhouse residential subdivision on a 9.45 acre site with associated site improvements at 1210 California Circle. The Zoning Map Amendment would be consistent with the amended General Plan Map.

2. The proposed amendment will not adversely affect the public health, safety and welfare.

Changing the land use designation for the Project site from Industrial Park (MP) to Multi-Family Residential (R3) will not adversely affect the public health, safety and welfare. The residential designation is consistent with the residential development to the east of the project site (across the creek) as well as consistent with the recently approved residential development to the north of the project site along California Circle. As conditioned, the residential use will not negatively impact adjacent commercial uses and there is circulation network is sufficient for the new use.

Section 4. Amendment of the City of Milpitas Zoning Sectional Map

The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 582, a copy of which is attached hereto and incorporated as **Exhibit 1**. This Zoning Map shall be kept in uncodified form and shall be made available upon request from the Director of Planning and Neighborhood Services.

Section 5. Severability

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

Section 6. Effective Date and Posting

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

Exhibit 1



City of Milpitas ISTAR Residential Project Sectional District Map. No 583 Map Exhibit

Legend

-  Parcel Boundary
-  ISTAR Project Area

